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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed September 5, 2006. In the Office Action, the Examiner notes that claims 1-30 are pending and rejected, and claims 9-12, 14-15 and 25 are objected to. By this response, Applicants have amended claims 1, 9-12, 14-16 and 25.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

Objections

Claims 9-12, 14-15, and 25 are objected to because of various informalities.

As suggested by the Examiner, claims 9-10 have been amended to depend from claim 2; claims 11 and 15 have been amended to depend from claim 3; claim 12 has been amended to depend from claim 3; claim 14 has been amended to depend from claim 3; and claim 25 has been amended to depend from claim 18.

Therefore, the Examiner's objections should be withdrawn.

35 U.S.C. §102 Rejection of Claims 1-30

The Examiner has rejected claims 1-30 under 35 U.S.C. §102(e) as being anticipated by Beadle et al. U.S. Patent 6,530,075 (hereinafter "Beadle"). Applicants respectfully traverse the rejection.

Applicants' claim 1 recites:

1. A tool for processing a p-code file, comprising:
analyzing p-code methods to be compiled within said p-code file;
identifying those p-code methods to be compiled within the file having associated with them at least one profile parameter above a threshold level; and

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annotating said identified p-code methods to be compiled in a manner adapted to enable preferential processing of said identified p-code methods to be compiled by a compiler. (Emphasis added.)

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Beadle fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, Beadle fails to teach or suggest at least identifying those p-code methods to be compiled within the file having associated with them at least one profile parameter above a threshold level and annotating said identified p-code methods to be compiled in a manner adapted to enable preferential processing of said identified p-code methods to be compiled by a computer, as recited in claim 1.

Beadle discloses JIT/Compiler Java language extensions to enable field performance and serviceability. Specifically, the invention provides a programmer keyword extension of the Java language to indicate which Java objects, classes, methods or code sections are to be just in time compiled. (See Beadle, col. 4, ll. 5-19). In otherwords, Beadle only teaches which of the Java objects, classes, methods or codes sections are to be just in time compiled, but does not teach in what priority they are to be compiled. In contrast, the Applicants' invention teaches identifying those p-code methods to be compiled within the file having associated with them at least one profile parameter above a threshold level and annotating said identified p-code methods to be compiled in a manner adapted to enable preferential processing of said identified p-code methods to be compiled by a computer.

Thus, Beadle does not teach or suggest each and every one of the limitations of Applicants' invention as recited in claim 1. As such, Applicants submit that independent claim 1 is not anticipated by Beadle and is patentable under 35 U.S.C. §102. Independent claim 16 recites relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claim 16 also is not anticipated by Beadle and is patentable under 35 U.S.C. §102. Furthermore, claims 2-15 and 17-30 depend directly or indirectly from independent claims 1 and 16 while adding additional elements. Therefore, these dependent claims also are not anticipated by Beadle and are patentable under 35 U.S.C. §102 for at least the same reasons discussed above in regards to independent claims 1 and 16.

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Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

12/5/06

E J Wall

Eamon J. Wall
Registration No. 39,414
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808